Previous references.

File No. 38 of 1904-05.

1904

(III - Leaves.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 3.

PART B FOR August 1904

SUBJECT.

Unauthorised exercise of summary powers by Mr. P. F. Bowring, Assistant Commissioner & 1st Class Magistrate, K. G. F.

	FILE No. 38 of 1904-05.
	Unauthorised exercise of summary powers by Mr. P. F. Bowring, and the investiture of Mr. Bowring with those powers.
1	From the Registrar of the Chief Court of Mysore, No. 785-49, dated 2nd August 1904. Forwards for the information of Government, the Proceedings of the Chief Court in the matter of the exercise by Mr. P. F. Bowring, Assistant Commissioner and 1st Class Magistrate, Kolar Gold Fields, of summary powers although he was not invested with the same.
2	To the Registrar of the Chief Court of Mysore, No. 351, dated 10th August 1904. States that a notification will be issued investing Mr. Bowring with power to try cases summarily.
3	To the Compiler, *Mysore Gazette*, No. 352, dated 10th August 1904. Notifies the investiture of Mr. P. F. Bowring, with powers to try cases summarily.
	To the Registrar of the Chief Court of Mysore, No. 353, dated 10th August 1904. Forwards copy of the above, with reference to his letter, Serial No. 1.

G. R. S

G.R.S. 11] 1904.05

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 38.

FILE HEADING.

Unauthorised exercise of Summary powers by Mr. P. F. Bowring.

From

The Registrar of the Chief Court of Mysore.

No. 785/45. Dated the 2d Augt 04 Received the 3rd August 1904.

Diary No. J 255 | Enclos. one | Spare Copies. — | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Informs that Mr. P. F. Bowring, Assistant Commissioner and 1st Class Magistrate, Kolar Gold Fields, disposed of Summary Cases, though he was not invested with the ~~power~~, and encloses copy of the Chief Court's Proceedings in the matter.

NOTES AND ORDERS.

1

Recd 10.8.04

Submitted with a Draft approving of the action of the Chief Court taken in the matter.

JKS 4/8/04 NM 5-8-04

No objection to pass orders as proposed.

NOTES—First sheet.

MGCPB—5,000—18-5-04

General and Revenue Secretariat.

File No. 38 of 1904-05

Serial No.

Court in its judicial capacity.

A draft notification recording the Registrar's letter (which is sent herewith for information), with the remark that it is proposed a recommendation for conferring Mr Bowring with summary powers will be made if this shd be found necessary.

5-8-04

Mr Devan Bahadur 10.C.

260
5.8.04

As City Magistrate My Lord, Mr Bowring had summary powers. We City Court must hold that he did not carry those powers with him to his new station as an Additional Magistrate.

The draft proposed by the Registrar is suitable — C

6/8/04

Draft submitted to the Dewan Bahadur

6.8.1904

805
8.8.04

My Lord

NOTE—Contn. sheet.

MGCPB—10,000—19-4-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 38 of 1904-05

Serial No.

Necessary words should be
Must not have been done
when the case for work place
At Mr [illegible] was existing
when power there must be no
recommendation
Shows Wallis Clerk

March 11
Notification issued.
Please show this
to the Sr. Councillor
&
9.8.1904

8.VIII.04

2 To the Registrar, Chief Court of Mysore.
No. 357 of the 10th August 1904
Sends such a notification conferring
on Mr. Bowring the Summary Power will
be issued

Published in G.G. of 11-8-04. Pt I p 572

3 To the Compiler, Mysore Gazette No. 352 of 10/8/04
Notifies the Notification of Mr Bowring
with power to try Cases summarily
To the Registrar, Chief Court No. 353 of 10/8/04
Forwards Copy of the above

Rd 2601 16-8-04

Seen
16/8/04

file
16.8.1904

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

J 294 Sl No. 1

No. 785/49 In. 1

Bangalore 2d August 1904.

From,

V. N. Rajaratna Mooddeliar Esquire,
Registrar of the Civil Court of Mysore

To,

B. K. Venkatacharadeviar Esquire,
Secretary to the Government of Mysore
General & Revenue Department

Sir,

I am directed to state for the information of Government that Mr. Bowring, Assistant Commissioner and 1st class Magistrate, Kolar Gold Fields, acting under a misapprehension disposed of a number of cases under Section 260 of the Criminal Procedure Code though he has not been invested with Summary powers. The records of cases in which the sentences have not expired have been called for in revision and the sentences ordered to be suspended. A copy of this Court's proceedings in the matter is enclosed.

I have the honor to be,

Sir,

Your most Obedient Servant,

V. Rajaratnamood
Registrar

MRM

Proceedings of the Chief Court of Mysore.

Bangalore, 2nd August 1904.

Read Letter No. 606/499 dated the 23rd July 1904 from the District Magistrate of Kolar, stating, with reference to this Court's Proceedings of the 7th inst, that Mr. Bowring, Assistant Commissioner and Sessions Magistrate, Kolar Gold Fields, exercised summary powers in the trial of a certain number of cases under the impression that he had the powers ex officio, and recommending his investiture with such powers with retrospective effect.

Mr. Bowring cannot be invested with summary powers with retrospective effect since every order investing a person with powers can take effect only from the date on which the order is communicated to the person so empowered. (Para 2 of section 39, Criminal Procedure Code.)

All cases in which the sentences passed by the Magistrate, acting under Section 260, Criminal Procedure Code, have not expired, will be submitted forthwith to this Court for revision, and the sentences will be suspended, pending the

further

further orders of this Court. A list of the cases, in which the sentences have already been undergone, should also be submitted.

(Signed) V. A. Rajaratna Mootr.
Registrar.

Copy.

D. Rajaratnam
Registrar.

mm

G.R.S. 28]

Jury Div. IV.

File No. 38

Serial No. 2

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts)

the / 190

Date of issue 10-8-1904

Signed by D.K. Varadarajayya

READ.—

Letter No. 785/49 dated the 2nd August 1904, from the Registrar of the Chief Court of Mysore, informing that Mr. P. D. Bowring, Assistant Commissioner and 1st Class Magistrate, Kolar Gold Fields, acting under a misapprehension, disposed of a number of cases summarily, though he has not been invested with summary powers; that the records of the cases in which the sentences have not exceeded have been called for in revision

over

ORDER THEREON. ~~No.~~

SUBJECT

and the sentence ordered to be suspended; and enclosing a copy of the Chief Court's Proceedings in the matter.

Ref. Thereon:- 351-(38 of 04-5)-2 dated 10/8/04.

Recorded. ~~with the remark that if it should be found~~ necessary to invest Mr Bowring with Summary powers, the necessary recommendation will, it is presumed, be made by the Chief Court in the matter.

9.8.1904
Secretary.

A notification conferring on Mr Bowring the said powers will be issued.

8: VIII-04

Do to Registrar, Chief Court Rangoon.

Copd. P.M.R. 10-8-04.
Exmd. N.M. 10.8.04

Notification No: 302 - (88 0604-6)-4
9/10/8/04

Published in G.G. 9/11-8-04 PtII. p672

Mr. P. F. Bowring Asst: Comr 1st Class Asst of the Kolar Gold Fields is hereby invested with the power to try cases summarily

B.O
9.8.1904
Secy

To the Landholder, Mysore Juzelle, for publication

No: 303 - (8806 0604-6)-2 1/8/04 To the Registrar, High Court, with reference to his letter No. 285/49 of the 2nd August 1904

By order

Secretary

Cond: V.R.R. 10-8-04

Examd: N.M. 10.8.04